

Jose Rodriguez (w-63370)

2 Clark Street

Post Office Box 43

SPRINGFIELD, MA 01103-0043

FILED
IN CLERK'S OFFICE
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SEP 26 2007

United States District Court
District of Massachusetts
Elaine Flaherty, Docket Clerk
1 Courthouse Way, Suite 7130
Boston, MA 02210

2007 SEP 26 P 2:23

U.S. DISTRICT COURT
DISTRICT OF MASS.
U.S. DISTRICT COURT
DISTRICT OF MASS.

Re: Rodriguez v. Spencer, C.A. No. 04-11894-RGS

Dear Clerk Flaherty,

I have just been forwarded a copy of the electronic docket sheets, in the above-captioned, by Attorney Greg T. Schubert, 1365 Main Street, Springfield, MA 01103, Tel. No. (413) 746-1313. Attorney Schubert, at the request of a friend of mine who is his client, was checking my case status due to the fact that I had not heard anything from the court in quite some time.

To put it mildly, I was shocked to learn that my case had been dismissed. Particularly since I am now, and have been throughout the pendency of the relevant habeas petition, incarcerated and confined at the Massachusetts Correctional Institution Norfolk, in Norfolk, Massachusetts (see enclosed copy of classification board paper). At no time whatever was I ever provided a copy of any report and recommendation in these proceedings. No legal mail whatever, from the United States District Court, was ever attempted for delivery to me here at M.C.I. Norfolk. And, at no time ever have I been relocated to the Old Colony Correctional Facility (see D.E. #16, 17).

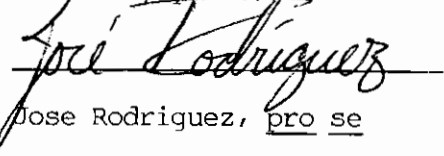
I am respectfully requesting, as follows:

1. That the above-captioned case appropriately be re-opened;
2. That I appropriately be afforded a copy of the magistrate's report and recommendation for my perusal and, if necessary, response; and
3. That any and all orders of dismissal appropriately be rescinded.

I shall remain hopeful of receiving the Honorable Court's response in this matter just as soon as convenience may allow.

Thanking you again for your time, consideration, and most thoughtful attention, I remain

Sincerely yours,


Jose Rodriguez, pro se

This is my second mail

cc: Maura D. McLaughlin, A.A.G.

GREG T. SCHUBERT

COUNSELLOR AT LAW

**1365 MAIN STREET
SPRINGFIELD, MA 01103**

**TEL. 413-746-1313 FAX. 413-746-3102
E-MAIL: MURDERONE@MSN.COM**

Jose Rodriguez W-63370
MCI-Norfolk
P. O. Box 43
Norfolk, MA 02056

Re: Commonwealth v. Rodriguez

Dear Mr. Rodriguez

**Enclosed please find for your records a copy of the
latest docket sheet that I could print.**

PAY close attention to numbers 16 on.

Any questions or concerns please call the office.

Sincerely



Brenda Glennie

August 21, 2007
Enclosure
GTS/bmg

08-27-07

Envie una carta a la
corte Federal (United States District Court)

		Rodriguez.(Flaherty, Elaine) (Entered: 09/01/2004)
08/30/2004	2	MOTION for Leave to Proceed in forma pauperis by Jose Rodriguez.(mel) Additional attachment(s) added on 9/2/2004 (Lanier, Marjorie). Additional attachment(s) added on 9/2/2004 (Lanier, Marjorie). (Entered: 09/02/2004)
08/30/2004	4	MOTION to Appoint Counsel by Jose Rodriguez.(mel) (Entered: 09/02/2004)
09/02/2004	3	Judge Richard G. Stearns : ORDER entered denying 2 Motion for Leave to Proceed in forma pauperis. Petitioner must pay the \$5 filing fee within 42 days of the date of this Order or this action will be dismissed without prejudice. (mel) (Entered: 09/02/2004)
09/02/2004	5	Judge Richard G. Stearns : ORDER entered denying 4 Motion to Appoint Counsel without prejudice. (mel) (Entered: 09/02/2004)
09/02/2004		Set/Reset Deadlines: \$5 filing fee due by 10/14/2004 or this action will be dismissed without prejudice. (mel) (Entered: 09/02/2004)
09/07/2004		Filing fee: \$ 5., receipt number 58461 regarding filing fee for petition (Flaherty, Elaine) (Entered: 09/09/2004)
10/13/2004	6	Judge Richard G. Stearns : ORDER entered REFERRING CASE to Magistrate Judge Joyce London Alexander Referred for: 2254 petition for habeas corpus (Flaherty, Elaine) (Entered: 10/13/2004)
03/22/2005	7	Judge Richard G. Stearns : ORDER entered. SERVICE ORDER re 2254 Petition. Order entered pursuant to R.4 of the Rules governing Section 2254 cases for service on respondents. Answer/responsive pleading due w/in 20 days of rcpt of this order.(Flaherty, Elaine) (Entered: 03/23/2005)
04/08/2005	8	MOTION for Extension of Time to 5/31/05 to file responsive pleading by Luis Spencer.(Flaherty, Elaine) (Entered: 04/13/2005)
04/08/2005	9	MOTION waive local rule 7.1 requirement by Luis Spencer.(Flaherty, Elaine) (Entered: 04/13/2005)
04/13/2005		Judge Richard G. Stearns : Electronic ORDER entered granting 8 Motion for Extension of Time, granting 9 Motion extend time, waive L.R. 7.1 (Flaherty, Elaine) (Entered: 04/19/2005)
05/31/2005	10	ANSWER to Complaint by Luis Spencer.(Flaherty, Elaine) (Entered: 06/01/2005)
05/31/2005	11	MOTION approve briefing schedule by Luis Spencer.(Flaherty, Elaine) (Entered: 06/01/2005)
05/31/2005	12	Supplemental ANSWER to Complaint by Luis Spencer.(Flaherty, Elaine) (Entered: 06/01/2005)
06/02/2005		Case no longer referred to Magistrate Judge Joyce London Alexander. Case to be referred to another Magistrate Judge. Judge Alexander's clerk advising that there is a conflict of interest. (Flaherty, Elaine) (Entered: 06/02/2005)
06/06/2005		Judge Richard G. Stearns : Electronic ORDER entered granting 11 Motion briefing schedule (Flaherty, Elaine) (Entered: 06/07/2005)
06/15/2005	13	MEMORANDUM OF LAW by Luis Spencer to 10 Answer to Complaint.

		(McLaughlin, Maura) (Entered: 06/15/2005)
06/16/2005	14	Further Supplemental ANSWER to Complaint by Luis Spencer.(with four bound volumes of state court transcripts), filed.(Flaherty, Elaine) (Entered: 06/17/2005)
07/26/2005	15	Judge Richard G. Stearns : ORDER entered. REFERRING CASE to Magistrate Judge Leo T. Sorokin Referred for: report and recommendation re: 2254 petition (previously assigned to Magistrate Judge Alexander, but was recused.)(Flaherty, Elaine) (Entered: 07/26/2005)
03/06/2007	16	Magistrate Judge Leo T. Sorokin : REPORT AND RECOMMENDATIONS; re 1 Petition for writ of habeas corpus (28:2254) filed by Jose Rodriguez; For the foregoing reasons, this Court recommends to the District Judge to whom this case is assigned that the Petition be DENIED.(Simeone, Maria) (Entered: 03/07/2007)
03/07/2007		ELECTRONIC NOTICE; copy of R&R mailed to petitioner regular mail; re 16 REPORT AND RECOMMENDATIONS re 1 Petition for writ of habeas corpus (28:2254) filed by Jose Rodriguez, (Simeone, Maria) (Entered: 03/07/2007)
03/22/2007	17	Mail sent to Jose Rodriguez Returned as Undeliverable; (Simeone, Maria) (Entered: 03/23/2007)
04/17/2007		NOTICE of Change of Address; The court has been advised the address of the petitioner Jose Rodriguez has been changed to Old Colony Correctional Facility, 1 Administration Rd., Bridgewater MA 02324 (Simeone, Maria) (Entered: 04/17/2007)
04/17/2007		ELECTRONIC NOTICE; Copy of 16 REPORT AND RECOMMENDATIONS re 1 Petition for writ of habeas corpus (28:2254) filed by Jose Rodriguez and copy of the docket sent to petitioner cert mail # 8272. (Simeone, Maria) (Entered: 04/17/2007)
05/04/2007		Mail Returned as Undeliverable. Mail sent to J. Rodriguez (Magistrate Judge's Report and Recommendation)(Flaherty, Elaine) (Entered: 05/04/2007)
05/24/2007	18	Judge Richard G. Stearns : Memorandum and Order Adopting the Report and Recommendation, entered.(Giannotti, Diane) Modified on 5/25/2007 (Flaherty, Elaine)."...DISMISS the petition with prejudice." (Entered: 05/24/2007)
05/25/2007		Civil Case Terminated. (Flaherty, Elaine) (Entered: 05/25/2007)
05/29/2007		Case no longer referred to Magistrate Judge Leo T. Sorokin. (Flaherty, Elaine) (Entered: 05/29/2007)
06/05/2007	19	Judge Richard G. Stearns : ORDER OF DISMISSAL entered. (Johnson, Mary) (Entered: 06/05/2007)

PACER Service Center			
Transaction Receipt			
08/21/2007 11:14:49			
PACER Login:	gs1087	Client Code:	
Description:	Docket Report	Search Criteria:	1:04-cv-11894-RGS

Classification Report

Name: JOSE RODRIGUEZ

Commitment#: W63370

Class Type: Subsequent Hearing

Board Recommendation:

Date: 20070314 Level: Medium

Site of Hearing: MCI NORFOLK

Institution: MCI NORFOLK

Vote: 3-0

Screen For:

Chairperson: Johnston, Patricia

Placement Site:

Board Member 1: Sousa, Gina

Security Board Member Dagwan, Joseph

Board's Rational:

Reclassification Committee recommends override PBS (3) and remain MCIN medium based on Non-Discretionary Codes D (ordered deported) and Code F (time to PE/serious nature of offense).

Review Date: 20070914

Reviewed By:

User(L,F,M,S): Patricia Johnston M

Advised of Recommendation	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Early Parole	<input type="checkbox"/>	Work Crew	<input type="checkbox"/>
Advised of Appeal Process	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Education Release	<input type="checkbox"/>	PRA	<input type="checkbox"/>
48 Hour Notification	Yes <input checked="" type="checkbox"/>	Waive <input type="checkbox"/>	Work Release	<input type="checkbox"/>	PRA Hours	
			Public Speaking	<input type="checkbox"/>	Others	

Classification Appeal

Reason for appeal

Superintendent/Designee Recommendation.

Level:

Institution:

Date:

Screen For:

Placement Site:

Recommendation:

Reason/Condition

User(L,F,M,S):

Early Parole	<input type="checkbox"/>	Work Crew	<input type="checkbox"/>	Education Release	<input type="checkbox"/>	Work Release	<input type="checkbox"/>
Public Speaking	<input type="checkbox"/>	PRA	<input type="checkbox"/>	PRA Hours		Others	

Superintendent/Designee Appeal Decision.

Superintendent/Designee:

Date:

Decision: